

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

REMARKS

The Office Action mailed October 29, 2007, has been carefully reviewed and, by this Amendment, Applicants have amended claims 1-10 and added claims 11-20. Claims 1-20 are pending in the application. Claims 1, 9 and 10 are independent.

The Examiner objected to the drawings as not showing every feature of the invention as claimed. With this Amendment, Applicants have submitted new Figure 2 which sets forth the collecting bag as provided in claim 9. New Figure 2 corresponds with Fig. 3 of WO 01/54632 which is disclosed on page 10 of the specification as being a representative embodiment for adhesive connection of a collection bag to the patch of the present invention; accordingly, no new matter has been added. Favorable consideration and entry of the new sheet is requested.

A replacement sheet for Figure 1 has also been filed in which three reference numerals have been added to features already shown in the drawing as filed for the purpose of complete correspondence between the claims and description. Corresponding description has also been added to the specification to describe what was shown in Figure 1 as originally filed. No new matter has been added. Favorable consideration and entry of the replacement sheet is requested.

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

The Examiner objected to claim 1 as containing informalities and rejected claim 4 under 35 U.S.C. 112, second paragraph, as being indefinite. With the amendments set forth herein, Applicants have removed the basis for both the objection and the indefiniteness rejection. Favorable reconsideration is requested.

The Examiner rejected claims 1, 4 and 6-10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,486,158 to Samuelsen, and rejected claims 2, 3 and 5 under 35 U.S.C. 103(a) as being unpatentable over Samuelsen in view of U.S. Patent Appl. Pub. No. 2002/0128578 to Johnston et al ("Johnston").

As set forth in claims 1 and 9 as amended herein, the claimed invention is directed to an adhesive patch and an ostomy appliance having an adhesive patch, respectively, the patch for adhering to the skin to cover a portion of the anatomical surface of a living being. The patch includes a central first area that is bounded by an outer border, and a second area that surrounds the first area and is separated or distinguishable therefrom by the outer border of the first area. A third area adjacent the rim of the patch has an inner border that surrounds the second area and is separated or distinguishable from the second area by this inner border. The resulting generally annular third area is covered by

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

a pattern of curvilinear indentations. This is not shown by the prior art.

Samuelsen discloses a generally circular dressing having a plurality of concentric indentations or grooves 2, 3 as shown in Figure 1 thereof. The central part 4 of the dressing has a substantially uniform thickness (see column 2, lines 55-57). In the embodiment shown in Figure 4 of Samuelsen, the dressing includes concentric grooves 3 and radial grooves 2, with the central part 4 being a hole (see column 2, line 67 to column 3, line 3).

In rejecting claims 1 and 9 on the basis of Samuelsen, the Examiner identified the central part 4 as representing the central first area, and an undefinable area between part 4 and groove 3 as representing the second area. The Examiner then identified the area between 3 and 1 as representing the third area and, because it includes groove 2, stated that this third area of Samuelsen has a "pattern" of curvilinear indentations.

Applicants do not agree that a single groove can constitute a pattern of indentations, plural, because it is only a single groove. Applicants also do not agree that there is any particular "area" between central part 4 and groove 3. On the contrary, the groove is the boundary of the central part 4 and

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

there is no separation between them. To the extent that the Examiner may be suggesting that there is an area between the end of the lead line originating from reference numeral 4 and groove 3, this cannot be correct as the reference numeral 4 lead line is provided only to identify the entire area being labeled and the end thereof could have been placed anywhere within the central part as encircled by groove 3.

In any event, in amended claims 1 and 9 the fact that the central first area is distinguishable from the second area, i.e., has a distinguishable border with respect to the second area, has been clarified. Similar clarifications have been made with respect to the separation between the second and third areas. As amended, it is clear that Samuelsen does not disclose a dressing having these three areas and does not disclose that the third area adjacent the rim of the dressing has a pattern of curvilinear indentations. Favorable reconsideration and allowance of claims 1 and 9 is therefore requested.

Amended claim 10 is also patentable over Samuelsen for at least the same reasons as claims 1 and 9, and further because claim 10 is directed to a wound dressing having a central area and an edge area that extends to the rim of the dressing, *these two areas having patterns of indentations that are different from one*

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

another. In addition, claim 10 provides that the pattern of indentations in the edge area includes curvilinear indentations that extend to the rim of the dressing. This is not shown by Samuelsen.

As already explained, Samuelsen shows only concentric grooves 2 and 3 in the embodiment of Figure 1, and concentric grooves 3 with radial grooves 2 in the embodiment of Figure 4. The edge area between the rim 1 and the first concentric groove does not have a pattern of curvilinear indentations that extend to the rim of the dressing in either of these two embodiments.

Furthermore, Samuelsen does not disclose a central area and an edge area that each have respective patterns of indentations which are different from one another.

For at least the foregoing reasons, claim 10 is also patentable over Samuelsen.

Claims 2-8 and 11-20 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

More particularly, the prior art does not disclose an adhesive patch in which the indentations in the third area are in the form of two or more series of curvilinear indentations that intersect with and cross each other, as set forth in amended claim

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

5. Johnston, which the Examiner had relied upon as disclosing "crossing curvilinear lines 36" may show lines that "cross" from one part of the dressing to another, but these lines do not intersect with one another in a crossing pattern as now clarified in amended claim 5. Nor are the lines 36 of Johnston in the edge area of the dressing. Reconsideration and withdrawal of the rejection of claim 5 is therefore requested.

Similarly, the prior art does not disclose the subject matter of new claims 13-18 and 20, which variously set forth the crossing and intersecting arrangement of the indentations in the patterns of the central and edge areas of the patch or dressing. Neither Samuelsen nor Johnston disclose or suggest any such cross-hatching or intersecting patterns of indentations as those set forth in these dependent claims.

With the foregoing amendments and remarks, the application is in condition for allowance.

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By *for* *Harvey B. Jacobson, Jr.* *Reg No 40,495*
for Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: February 28, 2008
HBJ:SCB
R:\SBAILEY\2008\02-08\P70823US.amd

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

IN THE DRAWINGS:

With this Amendment, Applicants hereby submit a replacement sheet and a new sheet setting forth Figure 1 and new Figure 2, respectively.

Reference numerals "20", "21" and "22" have been added to Figure 1 with lead lines to the outer border, inner border and rim, respectively, of the corresponding elements in the embodiment shown.

New Figure 2, which illustrates a side view of the patch of Figure 1 with a collection bag attached, corresponds with Fig. 3 of WO 01/54632 which is disclosed on page 10 of the specification as a representative embodiment for adhesive connection of a collection bag to the patch of the present invention. Hence, no new matter has been added by the introduction of Figure 2. Entry thereof is requested.